IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 4211 of 2002

Between:
1.A.P.Power Generatin Corporation rep.y its
Chairman & Managing Director, Vidyut Soudha, Hyderabad.
2. The A.P.Power Generation Corporation Ltd, rep.by its
Chief Engineer, Vijayawada Thermal Power Station,
Ibrahimpatnam, Krishna District.

..... PETITIONERS

AND
1. The Assistant Commissioner of Labour, Vijayawada,
2. D.Paparao, S/o D.Rama Murthy, Hindu, aged about 32 years,
R/o Ibrahimpatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more fully in the nature of writ of Mandamus declaring the report of the respondent No.1dated 15.02.2001 as illegal, improper arbitrary and consequently declare the respondent No.2 is not entitled for absorption in the service of A.P. Genco and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondents : MR.G.V.SHIVAJI

The Court Made the Following :

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ORDER:

A.P.Genco assails the report of the Assistant Commissioner of Labour, Vijayawada, dated, 15.02.2001 and seeks declaration that the 2nd respondent is not entitled for absorption in the service of A.P.Genco. The 2nd respondent herein earlier filed W.P.No.7268 of 2000 assailing the action of the writ petitioner in rejecting his case for absorption in the respondent-Board, in the post of Civil Engineer or any other suitable post as illegal and sought direction to the writ petitioner herein to reconsider his case for absorption as per his qualifications and in accordance with B.P.Ms.No.36 and 37, dated 18.05.1997. While setting aside the rejection order dated 04.12.1999 following an earlier Judgment in W.P.No.9063 of 1999, dated 14.03.2000, the writ petition No.7268 of 2000 was disposed of in substance, directing the 1st respondent herein to conduct an enquiry and submit a report as to whether the 2nd respondent herein was entitled to the benefits under B.P.Ms.No.36 and 37 and whether he worked in any one of the 33 prohibited categories enumerated in G.O.Ms.No.41, dated 23.09.1996.

Conditioned by the Mandamus issued by this Court supra, the 1st respondent conducted the enquiries and submitted the impugned report concluding rationally on the basis of the evidence available to the 1st respondent that the 2nd respondent had worked in the Electrical Maintenance CHP/O&M/Stage.III/V.T.P.S. under the principal employer and in a prohibited category i.e., Serial No.23 (Electrician) setout in G.O.Ms.No.41, dated 23.09.1996.

A perusal of the report discloses no infirmity in the analysis of the facts leading to the conclusions set out in the report, warranting interference by this Court under Article 226 of the Constitution of India.

On the analysis above, the writ petition is without merits and is accordingly dismissed. No costs.

16.06.2004

ASSISTANT REGISTRAR

//True copy//

SECTION OFFICER

To
1. The Assistant Commissioner of Labour, Vijayawada.
2. Two C.Cs to G.P. for Labour, High Court buildings, Hyderabad(OUT).
3. Two CDs.